

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): September 5, 2014

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NWP-2014-185, Brownstone RE Group- River's Edge Subdivision

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Oregon County/parish/borough: Washington City: King City
Center coordinates of site (lat/long in degree decimal format): Lat. 45.39486° **N**, Long. -122.80095° **W**.
Universal Transverse Mercator:

Name of nearest waterbody: Tualatin River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Tualatin River

Name of watershed or Hydrologic Unit Code (HUC): Willamette 17090010

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date:

Field Determination. Date(s): September 3, 2014

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: Tualatin River.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are and are not** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or 3.01 acres.

Wetlands: 2.43 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **The onsite wetlands B, C, D, and E are located in the north-central portion of the study area, north and**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

northwest of Wetland A. These wetlands are palustrine, emergent, seasonally flooded (PEMC) wetlands. These wetlands are determined to be isolated from the Tualatin River.

- The 2008 Rapanos v. United States & Carabell v. United States guidance provides the definition of "adjacency" as follows: "The term adjacent means bordering, contiguous, or neighboring. Wetlands are adjacent if one of the following three criteria is satisfied: First, there is an unbroken surface or shallow sub-surface connection to jurisdictional waters. This hydrological connection may be intermittent. Second, they are physically separated from jurisdictional waters by man-made dikes or barriers, natural river berms, beach dunes, and the like. Or third, their proximity to a jurisdictional water is reasonably close, supporting the science-based inference that such wetlands have an ecological interconnection with jurisdictional waters.
- Given the data observed, the Corps has made the determination that there is no unbroken surface or shallow sub-surface connection between the four isolated wetlands and wetland A and/or the Tualatin River. The Corps performed a site visit September 3, 2014; during the Oregon dry season. I did not observe a ditch, swale, or linear conveyance feature which could provide a connection between the isolated wetlands and the jurisdictional waters. No hydrology was observed within the isolated wetlands (no saturation or high water table identified). A soil pit was only dug within the isolated wetlands to a depth of 6" inches. The soils were dense and dry. The microtopography between wetlands B & C and Wetland A, show a slight increase in elevation. This is prior to the rapid decrease in elevation located approximately 50 to 100 linear feet south of Wetlands B & C. The ground remains relatively level south of Wetland G. There is an existing gravel road that separated Wetlands E from Wetland A. This gravel road does not possess a roadside ditch or swale abutting its sides, and there is no culvert dug underneath this road to allow for surface water to easily pass underneath it. It is believed, through the use of historic aerials, that the mounds separating Wetlands B&C and Wetland A, are man-made. These are a result of prior agriculture conducted at the site in the mid 1900s.
- The environmental consultant stated with an email, dated September 3, 2014, that she has visited the site on multiple occasions. She visited the site in early April of 2014, after several days of heavy rainfall. The four isolated wetlands were ponding water in response to the precipitation; however, she has never observed a surface or sub-surface hydrological connection between these four wetlands and the large wetland to the south (Wetland A). The environmental consultant has provided landscape photography dated April 24, 2014, which depict the four isolated wetlands surrounded by an upland, grassy lawn.
- Regarding a possible sub-surface shallow connectivity, the environmental consultant has provided wetland data sheets of data points taken within the uplands between the onsite isolated uplands and Wetland A. These data was collected January 22, 2014 (Oregon wet season). Soil pits were dug to a depth of 16" inches between the isolated wetlands and wetland A. Generally, soil saturation and a high water table were not observed within 16" inches of the soil surface. A soil sample was taken approximately 5'-10' feet south of Wetland C. Soil saturation was observed at 10" inches below the soil surface. The applicant has submitted a Geotechnical Evaluation of the project area, provided by Northwest GEO Consultants, where the consultants provides their recommendation for site development. Ten test pits were dug around the locations of the isolated wetlands. These pits were dug to depths between 2' to 11' feet below the existing ground surface, on January 31, 2014, using a medium-sized, tracked excavator. Fill was generally encountered throughout this area to a depth of 2.5 to 7.5 feet below ground surface. Groundwater was not encountered during the testing. Groundwater within this area was determined to be approximately 15 to 20 feet below the ground surface. The topographic maps provided show that water within the ponded area is located near 123' elevation, whereas the isolated wetlands are located near the ~130' elevation. Based on the above information, groundwater is expected to be well below the existing wetlands; possessing no sub-surface connection. These wetlands are primary fed through precipitation.
- Note: A comparison between the average monthly rainfall (NRCS WETS Table for Portland) and the observed monthly precipitation between October 2013 - January 2014, shows that rainfall was low during this "Oregon wet season" (approximately half the normal monthly precipitation). It is expected that the ground water level would be higher during a normal "Oregon wet season". However, no sub-surface connection was observed during the multiple site visits. The ground water table was well underneath the existing wetlands; it is not expected that a sub-surface connection exists.
- Given the information provided, it was determined that the four isolated wetlands are not jurisdictional to the Tualatin River based on proximity. Wetlands B is located ~50' ft north of jurisdictional Wetland A, Wetland C is located ~100 ft north of jurisdictional Wetland A, and Wetland D & E are located ~200 ft north of jurisdictional Wetland A. However, for the reasons described above, it is determined that there is no existing surface or sub-surface hydrological connection between these isolated wetlands and Wetland A. Regarding potential ecological connections, the onsite wetlands exist as depressions within a maintained grass lawn. No herptile, wading bird species, or aquatic insects were observed within the four onsite isolated wetlands during the September 3, 2014 site visit. The Rapanos Guidance states that jurisdiction based on proximity is due to due to a science-based inference that such wetlands have an ecological interconnection with jurisdictional waters. It is not expected that there is an ecological or hydrological connection between the isolated wetlands and the nearby Wetland A. As per 33 CFR 328.3 (a)(7), wetlands adjacent to other wetlands (but no other waters of the United States) are not jurisdictional. Based on the above information, the four isolated wetlands may be proximate to Wetland A; but the four isolated wetlands are not adjacent to the Tualatin River. The four emergent wetlands located at the north and northwest corners of the property are isolated and are not subject to Section 404 Clean Water Act jurisdiction.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: **Tualatin River.**

Summarize rationale supporting determination: The Tualatin River flows east and is located at the southern portion of the study area. The Tualatin River is a non-tidal tributary of the Willamette River and is susceptible for use to transport interstate and/or foreign commerce. The Tualatin River is listed amongst the "Navigable Riverways within the State of Oregon", Portland District - Corps of Engineers, June 1994.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Historical aerial photography shows that Wetland A was excavated sometime between May of 1944 and July of 1953. The spoils of this excavation appear to have been placed along the eastern and southern boundaries of Wetland A. These spoils separate Wetland A from the Tualatin River. Wetland A is considered adjacent based on the Rapanos/Carabell Clean Water Act Guidance, stating that, "wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are 'adjacent wetlands'".

The southern perimeter of Wetland F directly abuts the Tualatin River.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**
Drainage area: **Pick List**
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
 Tributary flows through **Pick List** tributaries before entering TNW.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Project waters are **Pick List** river miles from TNW.
 Project waters are **Pick List** river miles from RPW.
 Project waters are **Pick List** aerial (straight) miles from TNW.
 Project waters are **Pick List** aerial (straight) miles from RPW.
 Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:
 Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
 Average depth: feet
 Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):

Riparian corridor. Characteristics (type, average width):

Wetland fringe. Characteristics:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, 0.61 acres.
- Wetlands adjacent to TNWs: 2.43 acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: .
 Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
 Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 0.32 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

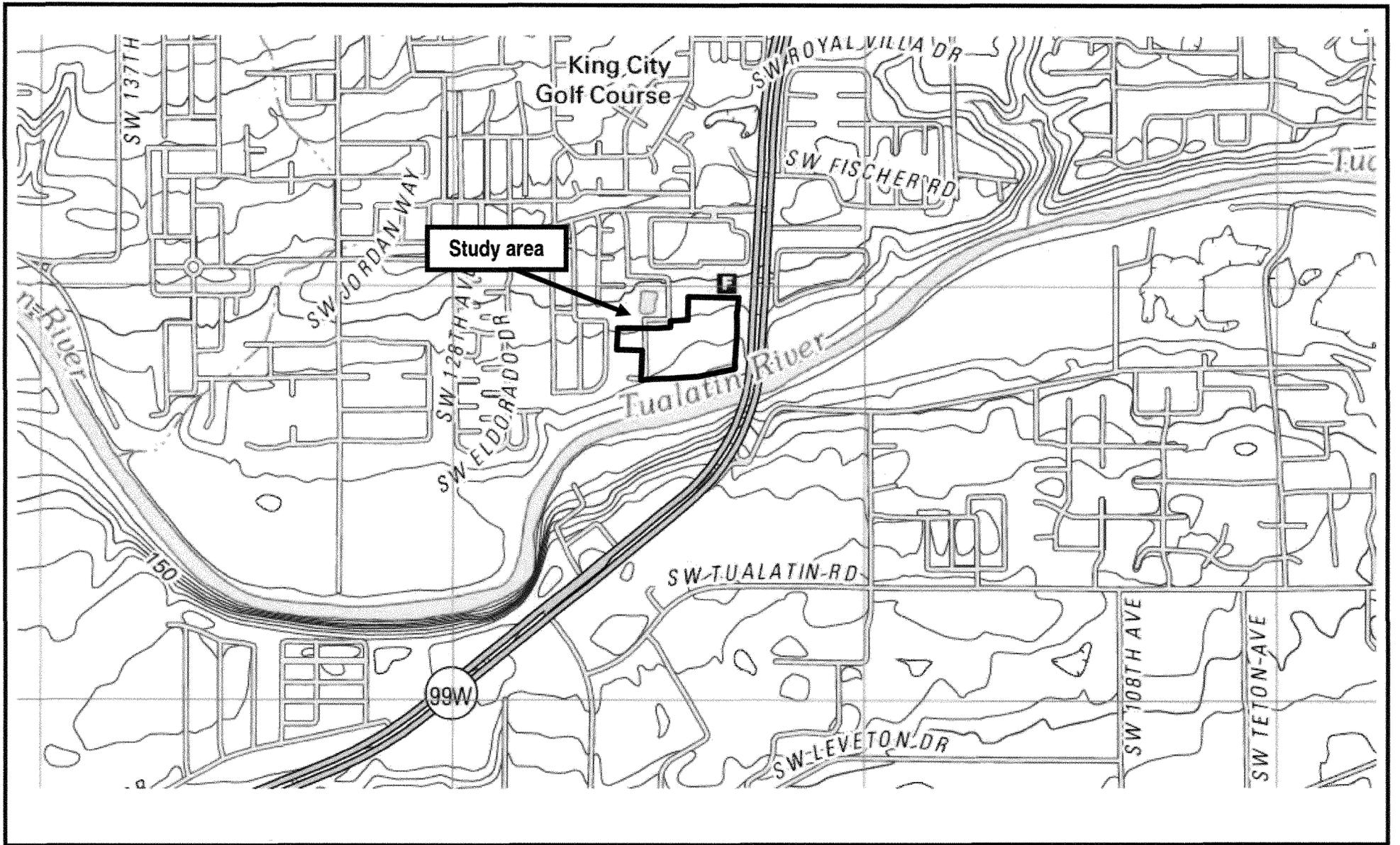
SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:USGS Web Topographic Map ; Washington Co.
- USDA Natural Resources Conservation Service Soil Survey. Citation: USDA Web Soil Survey.
- National wetlands inventory map(s). Cite name:USFWS NWI Web Mapper.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):Google Maps & Bing Maps aerial photography.
 or Other (Name & Date):Onsite landscape photography taken 24 April 2014.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: This document determines the jurisdictional status of waters of the United States, including wetlands, located within the approximate 13 acre investigation area. This investigation area is located adjacent to SW Versailles Road, Section 15, Township 2 South, Range 1 West, King City, Washington County, Oregon.

There are two ponded areas located within the confines of Wetland A. The ponded areas total to approximately 2.4 acres. These two ponded areas were not identified as wetlands due to the fact that these ponded areas were determined to be permanently inundated based on historic aerial photography and NWI maps (the ponds are listed as palustrine unconsolidated bottom). Google Earth historic aerial photography maps from 1995 through 2014 show these lakes as being permanently inundated. These ponds did not contain rooted vegetation during the September 3, 2014 site visit; nor is vegetation shown within the aerial photography. The two ponded areas are not considered wetlands based on the definition described within the 1987 Wetland Delineation Manual. Since these two ponds are permanently inundated and contain no rooted vegetation, the Corps determined these waterbodies to be ponds. These two ponded areas are adjacent to the Tualatin River, for the same reason as Wetland A, and are both subject to Section 404 Clean Water Act jurisdiction.



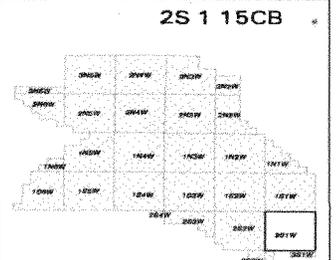
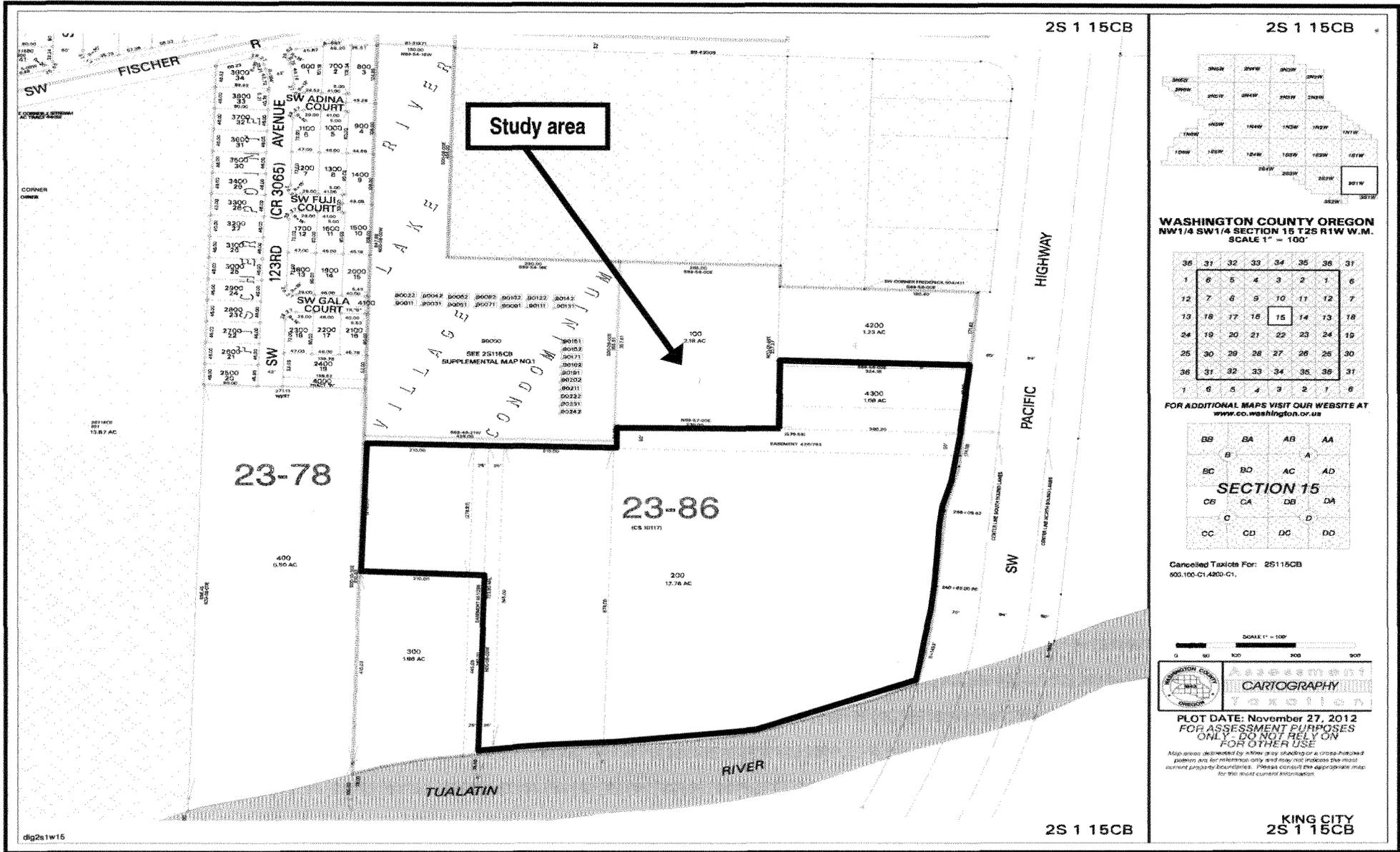
General Location and Topography
 River's Edge Subdivision - King City, Oregon
 (USGS Beaverton, Oregon Quadrangle, 2011)

FIGURE
 1

5386
 01/31/14



Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 180
 Wilsonville, OR 97070



WASHINGTON COUNTY OREGON
 NW 1/4 SW 1/4 SECTION 15 T2S R1W W.M.
 SCALE 1" = 100'

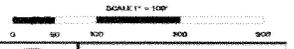
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

BB	BA	AB	AA
B		A	
BC	BD	AC	AD
CB	CA	DB	DA
C		D	
CC	CD	DC	DD

SECTION 15

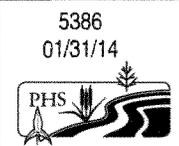
Cancelled Taxlots For: 25115CB
 500.100-C14200-C1.



PLOT DATE: November 27, 2012
 FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by Allow or by flooding or a cross-hatched pattern are for information only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

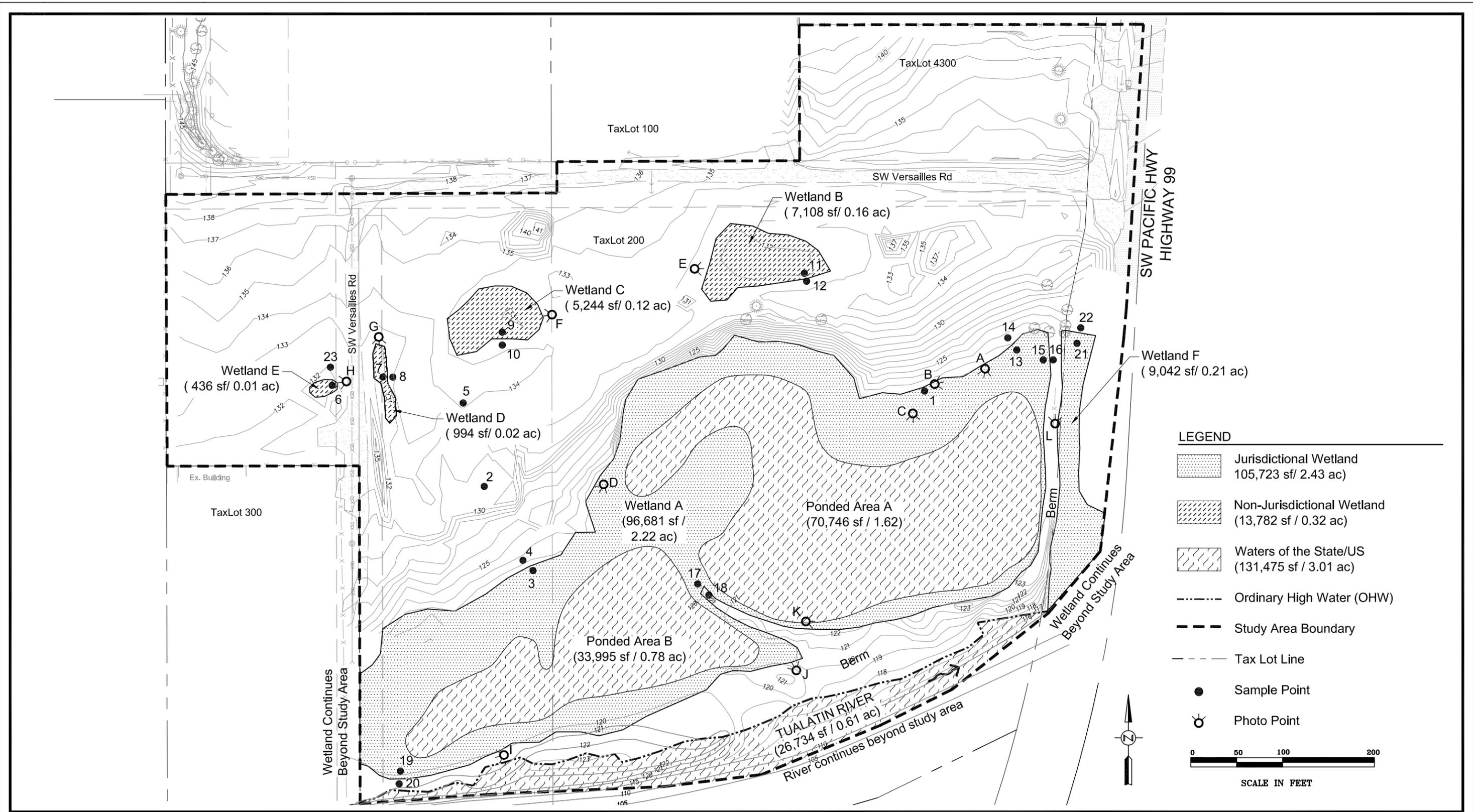
KING CITY
 2S 1 15CB



5386
 01/31/14
 Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 180
 Wilsonville, OR 97070

Tax Lot Map 2S 1 15CB, Washington County Oregon
 River's Edge Subdivision - King City, Oregon
 (ormap.net, 2014)

FIGURE
 2



LEGEND

- Jurisdictional Wetland
105,723 sf / 2.43 ac)
- Non-Jurisdictional Wetland
(13,782 sf / 0.32 ac)
- Waters of the State/US
(131,475 sf / 3.01 ac)
- Ordinary High Water (OHW)
- Study Area Boundary
- Tax Lot Line
- Sample Point
- Photo Point

0 50 100 200
SCALE IN FEET



Survey provided by Emerio Design.
Survey and Sample point accuracy is
sub-centimeter. Accuracy for Sample points 5,
13, 14, and 17 through 22 is +/- 3 feet.

Wetland Delineation
River's Edge Subdivision - King City, Oregon

FIGURE
6

REVISED 8-27-2014